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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,171	11/02/2005	Werner Uhler	10171/3743	6187
26646	7590	03/03/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	
DATE MAILED: 03/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 9 and 10 are rejected under 35 U.S.C. 102 (b) as being anticipated by Sawamoto et al. (US 20010014846A1).

With respect to claim 9, Sawamoto et al. disclose a vehicle control system including a sensor device to measure a distance and a relative speed of a target object located in front of the vehicle (see Sawamoto et al., abstract), a regulating device, which is the processor (6), that control a distance between the host vehicle (own vehicle) and a preceding vehicle by maintaining a distance between said vehicles (Sawamoto et al., figure 3; page 3, paragraph 41, lines 3-8), a torque dampener configured to limit a positive acceleration of the host vehicle (Sawamoto et al., figure 3, a brake actuator 8), a dynamic device, which is the lane change detector (5) provided for detecting a sudden change in a traffic situation (lane change) ascertained by the sensor device (Sawamoto et al, figure 3, sensor 51, 52) and to restrict a function of the torque dampener according to the situation, maintaining distance and speed control.

With regard to claim 10, Sawamoto et al. discloses a selection module configured to select the target object for the distance control and to signal to the dynamic device a change in the target object, the change in the target object being criteria for the dynamic device for detecting the sudden change in the traffic situation (Sawamoto et al, figure 4, image camera 54). It should be noted that Sawamoto et al. inherently disclose a selection module in term of image camera (54) because the camera (54) captures the images of a target object running ahead of the host vehicle and provides the signal input to the processor (6), and therefore detects a sudden change in the traffic situation.

Allowable Subject Matter

After carefully considering the application with special attention, the examiner has found none of the prior art has been found discloses or suggests a device for adaptive distance and speed control in a motor vehicle,

Wherein the dynamic device is configured to receive the actuating variables conveyed to the torque dampener and to detect a switch of actuating elements as crieterion for the sudden change in the traffic situation based on the actuating variables, and wherein the torque dampener is configured to restrict positive and negative accelerations of the vehicle, represented by the actuating variables, and time derivatives, to associate limit values in each cases, and the restriction of the function of the torque dampener includes a change in the limit values.

For that reason, claims 11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

February 28, 2006


JACK KEITH
SUPERVISORY PATENT EXAMINER

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